CRLR No. 408/2001
(Old No. 915 of 1996)
Hon'ble Irshad Hussain, J.

None appear for the revisionist. Heard Sri Nandan Arya learned A.G.A. and perused the record.

This revision under section 397/401 of the Code of Criminal Procedure was preferred against the judgment dated 22-5-1996 passed by Judicial Magistrate, Dehradun in criminal case no. 5/1994 were acquitted of the charge under section 494 I.P.C.

Perusal of the judgment reveal that the necessary ingredients of the offence U/s 494 I.P.C. i.e. the second marriage of the husband according to the religious rites was not established by evidence. It was sine-quanon for establishing the commission of the offence as alleged and since the evidence was not there to prove the second marriage the learned Magistrate has had no alternative but to acquit the accused of the charge leveled against them. There was no impropriety in the appreciation of the evidence and this being the position the revision can not therefore be admitted.

The revision is dismissed in limine. Consign.

(Irshad Hussain, J.)

Dated: 13.4.2004
ISB